

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

THE OILGEAR COMPANY, OLMSTED  
PRODUCTS COMPANY LLC

*Plaintiffs*

v.

TENET HYDRAULICS CO., SMITH  
PROPERTY INVESTMENTS, LLC,  
DERRICK MARRANCA, JESSE KLINE,  
and DUDLEY SMITH

*Defendants.*

Civil Action No. 1:19-cv-526

**STIPULATED PRELIMINARY INJUNCTION**

Before the Court is a Motion for Preliminary Injunction filed by Plaintiffs The Oilgear Company and Olmsted Products Company LLC (“Plaintiffs”). Plaintiffs seek a preliminary injunction against Defendants Tenet Hydraulics Co., Smith Property Investments, LLC, Derrick Marranca, Jesse Kline, and Dudley Smith (“Defendants”) (collectively the “Parties”). Defendants deny that Plaintiffs are entitled to any injunctive relief and deny any wrongdoing. Without prejudice to any claim or defense of any party, the parties hereby agree to the following order.

The Court hereby **ORDERS** that Defendants and their respective agents, designees, and all persons in active concert or participation with them:

1. Shall not use, obtain, access, possess, retain, transmit, copy, or disclose any documents or electronically stored information that was obtained from Plaintiffs’ internal computers systems by Dudley Smith, Jeff Insch, Jesse Kline, Derrick Marranca, or any other current or former employee of Plaintiffs;

- a. “Use,” when referring to Defendant Tenet Hydraulics Co. above, includes any use by its employees, owners, and agents (but excluding its attorneys’ use of information obtained in discovery for purposes of this litigation).
  - b. To “possess,” “retain,” “access,” or “disclose,” when referring to Defendant Tenet Hydraulics Co. above, includes the possession, retention, access, or disclosure by its employees, owners, and agents (but excluding its attorneys’ use of information obtained in discovery for purposes of this litigation).
2. Shall not access any portable storage devices containing documents or electronically stored information that was obtained from Plaintiffs’ internal computers systems by Dudley Smith, Jeff Insch, Jesse Kline, Derrick Marranca, or any other current or former employee of Plaintiffs;
3. Shall not, directly or through any other person, obtain access to any of Plaintiffs’ computers, servers, internal computer networks, or online accounts owned or controlled by Plaintiffs; and
4. Shall make available for Plaintiffs’ inspection and copying any and all computers, data storage devices, and accounts that contain documents or electronically-stored information obtained from Plaintiffs’ internal computers systems by Dudley Smith, Jeff Insch, Jesse Kline, Derrick Marranca, or any other current or former employee of Plaintiffs.

In addition, to ensure compliance with this Court’s orders, and subject to the attorney’s eyes only provisions of the Court’s Protective Order, Defendants shall allow Plaintiffs’ retained forensic computer scientists to create an image of any computer or data storage device used or accessed by Dudley Smith,<sup>1</sup> Derrick Marranca, Jesse Kline, and Jeff Insch through the date of this Order. Plaintiffs shall make such computers/devices available for imaging and inspection within 14 days of this Order. This Order pertains to all

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<sup>1</sup> This Order does not include computers or devices owned or used by Mr. Smith’s children unless Mr. Smith himself used or accessed such computers or devices for a business, non-personal purpose.

computers and devices within each respective individuals' possession, custody or control, irrespective of the identity of the ultimate owner of the computer or device.

Finally, the Parties are ordered to participate in good faith and in person in either an early settlement conference before a Magistrate Judge or facilitative mediation before proceeding with discovery in this case.

Nothing in this Order limits or otherwise prejudices the rights of the Parties to seek discovery of any matter otherwise discoverable under the Federal Rules of Civil Procedure.

This Order shall remain in effect until modified by further order of this Court or the final disposition of this action.

SIGNED THIS 30th DAY OF August 2019.

/s/ Paul L. Maloney

Paul L. Maloney  
United States District Judge

STIPULATED AND AGREED:

/s/ Jason R. Elliott

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